

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for
Simi Valley Landfill and Recycling Center

SWIS No. 56-AA-0007

March 20, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the Ventura County, Environmental Health Division, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for Simi Valley Landfill and Recycling Center, SWIS No. 56-AA-0007, located in Ventura County and owned and operated by Waste Management of California, Inc. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on February 9, 2012. Action must be taken on this permit no later than April 9, 2012. If no action is taken by April 9, 2012, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2003)	Proposed Permit
Permitted Hours of Operation	6:00AM to 8:00 PM, Seven days a week	Receipt of Refuse/Waste – 6:00 AM to 8:00 PM, seven days a week Green waste and CDI processing – 6:00 AM to 8:00 PM, seven days a week Ancillary Operations – 24 hours per day, seven days a week
Permitted Maximum Tonnage	3,000 Tons per Day – Municipal Solid Waste *(See conditions 17s and 17t)	9,250 Tons per Day (See LEA condition 17(b)(6) for details)
Permitted Traffic Volume	822 Vehicles per Day	892 Vehicles per Day
Permitted Area	297.5 acres (Disposal – 185.61 acres)	887 acres (Disposal – 368 acres)
Design Capacity	43.5 million cubic yards	119.6 million cubic yards
Estimated Closure Date	2022	2052

Other changes include:

1. The submittal of a revised Joint Technical Document (JTD), including the Preliminary Closure and Post-Closure Maintenance Plan, dated August 16, 2011.
2. Several conditions have been removed since they are no longer applicable or do not fall under the authority of the LEA.
3. A revision to the SWFP "Documents" section to include the most recently prepared environmental document, Conditional Use Permit, and JTD. A document was removed from the section since it was not applicable to the SWFP.
4. A revision to the SWFP "Self-Monitoring" section to remove the monitoring programs that do not fall under the responsibility of the LEA.

5. A reformat of the SWFP “Prohibitions” section.
6. A revision to the SWFP “LEA Conditions” section to include conditions relative to alternative daily cover procedures, CDI processing operations, and green waste processing operations.

Key Issues

The proposed permit will allow for the following:

1. A change in the permitted maximum tonnage from 3,000 tons per day of disposal and 6,250 tons per day of recyclable materials to 6,000 tons per day of disposal and 3,250 tons per day of recyclable materials. The permitted maximum tonnage throughput remains at 9,250 tons per day combined.
2. Clarification in the permitted hours of operation for the receipt of refuse/waste, and green waste and CDI processing within the 6:00 AM to 8:00 PM, seven days a week. Ancillary Operations will be allowed 24 hours per day, seven days a week.
3. An increase in permitted traffic volume from 822 vehicles per day to 892 vehicles per day.
4. An increase in the permitted boundary from 297.5 acres to 887 acres, and an increase in the disposal footprint from 185.61 acres to 368 acres.
5. An increase in the design capacity from 43.5 million cubic yards to 119.6 million cubic yards.
6. A change in the estimated closure date from 2022 to 2052.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated February 9, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on March 17, 2008.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed SWFP on February 9, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on February 9, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Siting Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated February 27, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated October 28, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation in compliance as described in the memorandum dated March 12, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in the memorandum dated, March 12, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on March 8, 2012. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on February 9, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on January 12, 2012. Oral and written comments were received and addressed by LEA staff. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record is sufficient to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspection and Enforcement Agency Unit conducted a pre-permit inspection on March 8, 2012, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2012 (January) one violation of 27 CCR Section 20291 – Gas Monitoring and Control, The violation was corrected to the satisfaction of the LEA during the February inspection.
- 2011 – No violations were noted.
- 2010 (July through November) - Five violations of 27 CCR Section 20291 – Gas Monitoring and Control.
- January 2007 – June 2010 – No violations were noted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Simi Valley, Planning Commission, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

A Draft Environmental Impact Report (EIR), State Clearinghouse No. 2007121148, was circulated for a 45 day comment period from July 27, 2010 to September 9, 2010. The project analysis identified significant and unavoidable impacts to housing, air quality, greenhouse gas emission, visual resources, agricultural resources, paleontological resources, recreational facilities, and irreversible impacts associated with the consumption of fossil fuels, construction materials, and energy. The Final EIR, together with the Mitigation Monitoring and Reporting Program included in the Conditions of Approval, was certified by the County of Ventura, Planning Division on July 19, 2011. The Statement of Overriding Considerations was adopted by the County of Ventura, Planning Division on July 19, 2011. The Notice of Determination was filed with the County of Ventura, County Clerk, and the Office of Planning and Research, on July 20, 2011.

The Lead Agency determined that the project benefits outweigh the significant and unavoidable environmental impacts. The benefits from the project will include the following:

1. The Project will enhance the County's ability to ensure that continuous solid waste disposal capacity exists for the solid wastes generated within the County that cannot be reduced, recycled, or composted to meet the County's current and projected waste disposal needs.
2. The Project will provide, and improve the efficiency of, solid waste transformation and disposal facilities.
3. The Project, given its proximity to solid waste generators, results in relatively low economic costs to transport refuse to the Project site, when compared to transporting refuse to other, more distant alternative sites.

4. The Project, due to its proximity to the refuse generators within its service area, minimizes the environmental impacts of transporting refuse to the Project site, as compared to transporting refuse to more distant alternative sites.
5. The Project, by using proven technologies associated with Class III non-hazardous municipal waste landfills, provides a well-understood, reliable waste disposal method with minimal environmental impacts which have been reduced to the fullest extent feasible.
6. The Project provides a proven, relatively safe method of municipal solid waste disposal which eliminates the adverse effects of uncollected refuse or refuse disposal using less environmental controlled methods, and either eliminates or greatly reduces impacts which include, but are not limited to, impacts related to disease, vectors, water and air contamination, aesthetics, odors, and fires.
7. The Project will provide temporary construction jobs in Ventura County during the construction and closure phases of the Project.
8. The Project will also have a positive fiscal impact by creating up to 150 new permanent jobs, with full benefits.
9. The Project will reduce traffic on the Madera Corridor by shifting local trucking operations from 195 W. Los Angeles Avenue, Simi Valley, to the Simi Valley Landfill & Recycling Center (SVLRC).
10. The Project will result in the preservation of over 500 acres of open space and wildlife habitat in perpetuity.
11. The Project will facilitate Waste Management's continued financial and societal support of the local community within Ventura County.
12. The Project will advance and enhance Waste Management's duties and obligations under a May 16, 2011, Memorandum of Understanding it has with the City of Simi Valley for mutual benefits.
13. The Project provides services which are beneficial to the public health, safety, and welfare, which include the following:
 - a. Landfill gas recovery/electric generation, which converts landfill gas/methane, an acute global warming air/greenhouse gas emission, into electricity, which will be used primarily for SVLRC facilities and with the surplus going into the regional electric network. The Project will increase production of enough green energy from landfill gas that would otherwise be flared into the environment to power 6,250 homes.
 - b. Landfill gas recovery/liquefied natural gas (LNG) production, which converts landfill gas/methane, an acute global warming air/greenhouse gas emission, into LNG which will be used primarily as propulsion fuel for sanitation trucks and on-site heavy equipment, with the surplus LNG shipped to other facilities for their use instead of gasoline.
 - c. A facility to sort and recycle municipal recyclable material (e.g., paper, plastic, glass, cans, and cardboard) in furtherance of Integrated Waste Management Act (IWMA) and corresponding regulatory requirements for recycling and reuse.
 - d. A facility to sort and recycle construction and demolition debris in furtherance of IWMA and corresponding regulatory requirements for recycling and reuse.
 - e. A public household hazardous waste collection facility, which will provide the community with a facility at which to dispose household hazardous wastes in an environmentally safe manner in accordance with Public Resources Code (PRC) Section 41480 et seq.

- f. A visitors/environmental education center that will educate visitors about the SVLRC, hauling operations, recycling and renewable energy in accordance with PRC Section 41420 et seq.

Because all of the project's impacts cannot be avoided or substantially reduced, before concurring on the issuance of the proposed permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for overriding the adverse environmental effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by the LEA to the extent the unavoidable significant environmental effects of the Project identified in the Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its Statutory Authority.

Department staff further recommends the Final EIR, with all other CEQA documents adopted by the LEA, and Statement of Overriding Considerations, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final EIR as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final EIR adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. The LEA conducted a public informational meeting on January 12, 2012, at the Best Western Posada Royale Hotel, located at 1775 Madera Road, in the City of Simi Valley. Seven members of the public were in attendance. Several oral and written comments were received by the LEA in regards to: reductions in recycling tonnage, usage of the term "recyclable" and the usage of auto shredder waste as ADC.

Additionally, the LEA received four written comments from members of the public regarding the use of auto shredder waste at the facility; clarification on design capacity; the definition of recyclable materials and a request for a copy of the Public Informational Meeting presentation. The LEA responded by providing the requested clarifications and posted the presentation on-line.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on February 21, 2012, and March 20, 2012. No public comments were received by CalRecycle.